

MINUTES

Pesticide Advisory Committee July 31, 2006

Present: Scott Armbrust, Gerry Cummins, Byron Kunugi, Sandra McDonald, Dale Tanda, Tom Tolkacz, Larry Walker, and Richard Dykstra, Gary Gillenwater, Angela Medbery, Peg Perreault, Katy Walker of Colorado Legal Services – Migrant Division, Claude Oleyar of CWCOA (Colorado Wildlife Control Operators Association), and Mitch Yergert, Steve Blunt, Dave Joeris, Laura Quakenbush, John Scott, Jeremy Snyder and Jeannine Copping of the Colorado Department of Agriculture (CDA).

Tom Tolkacz, Chairman, called the meeting to order at 9:40 a.m.

Pesticide Act – Draft Rule Changes: Laura Quakenbush distributed a handout covering these draft changes. Two major points covered are: 1) Updating references to licensed applicators to recognize that CDA will, as of January 1, 2007, be licensing private applicators; and 2) Modifying dealer licensing to include record-keeping requirements for both federal and state restricted use pesticides.

Plant Industry Division Update: Mitch Yergert reported that CDA's takeover of the private applicator program from EPA will be online by January 1, 2007. Mitch also reported on the following personnel changes: Don Brooks, formerly the Plant Industry Division's pesticide enforcement specialist, has taken a new position as field staff supervisor, with Steve Blunt replacing Don as enforcement specialist. In addition, the fiscal note accompanying the private applicator bill provided funding for four new positions. Two new private applicator inspectors, Jim Wynn and Matt Lopez, have been hired and will begin work in August, and the hiring process has begun for the private applicator administrative assistant to begin work October 1 (since the date of the PAC meeting, this date has been moved back due to space limitations). In addition, a private applicator enforcement specialist will be hired.

Sunset/Private Applicator Rules Discussion: John Scott presented the 2nd draft of the Rules, containing CDA's changes to the 1st draft. He also distributed a handout with comments and suggestions from industry and stakeholders, including Tom Tolkacz representing Swingle Lawn, Tree and Landscape Care; Gene Harrington representing the National Pest Management Association; Gary Gillenwater representing Prexto-X-Company; Jennifer Lee representing Colorado Legal Services – Migrant Farm Worker Division; Angela Medbery representing Sierra Club; and various comments from private applicators regarding CDA's assumption of the private applicator program.

John said that a letter was sent out to private applicators in June explaining the changes in EPA's administration of the program and CDA's administration beginning January 1, 2007. Another mailing is going out soon with questions and answers regarding the

transfer of the program. CDA is in the process of obtaining approval for the private applicator program to accept credit cards for payment.

There was discussion as to removing the phrase “the nature of” from Part 3.8 B) Examination on page 12 of the 2nd draft which reads:

“No applicant or licensee testing for a private applicator license or proctoring a private applicator test session shall cause the nature of any examination question or answer to be disseminated to any person not employed by the commissioner by any means whatsoever.”

It was agreed by the committee to remove this phrase to make the meaning less ambiguous. (Since the date of the PAC meeting, this has been done.)

John reported that the state certification plan would be submitted to EPA for approval by next week. An official delegation from EPA is needed for CDA to begin administering the private applicator program. (Since the date of the PAC meeting, EPA headquarters has approved CDA’s state certification plan and we are waiting on the formal delegation letter.)

Colorado Wildlife Control Operators Association’s (CWCOA) Position on Devices:

John reported that the Pesticide Applicator Act Sunset Bill gave CDA the authority to require licensure for the use of devices that CDA determines through Rule vs. “all” devices, as previously required. CDA is currently working with the Department of Public Health and Environment to determine which device applications should require licensure to be drafted into the Rules.

Claude Oleyar, President of CWCOA, stated that their position is that any device which is not a direct threat to the health and safety of the public should be exempted. Their Association would like less restrictions and they would like to resist over-regulation. One example Claude cited was exclusion devices (barriers) to keep animals away should not be required to be registered.

Enforcement Statistics Update: Steve Blunt distributed a handout compiling enforcement statistics for Fiscal Year 2006. For comparison purposes, FYs 2004 and 2005 were also included.

Miscellaneous: John said the annual CEC (continuing education credits) workshop providers’ meeting will be held Monday, August 21.

The next PAC meeting will be Monday, October 30.

The meeting adjourned at 1:05 p.m.